

ORIGINAL

BEFORE THE
Federal Communications Commission

WASHINGTON, D.C. 20554

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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF SECRETARY

In the Matter of

Petition of the Public Service
Commission of Wyoming for Authority
to Maintain Current Regulation of
Rates and Market Entry

PR Docket No. 94-110

DOCKET FILE COPY ORIGINAL

To: The Commission

REPLY COMMENTS OF AIRTOUCH PAGING

AirTouch Paging ("AirTouch Paging"), by its attorneys, hereby submits its reply comments in connection with the Petition^{1/} of the Public Service Commission of Wyoming (the "PSC") for authority to continue to regulate Commercial Mobile Radio Services ("CMRS"). The following is respectfully shown:

1. Thirteen interested parties filed Comments addressing the Wyoming Petition.^{2/} The Commenters

^{1/} State Petition for Authority to Maintain Current Regulation of Rates and Market Entry (Section 20.12), PR Docket No. 94-110 ("Wyoming Petition").

^{2/} Comments were filed by AirTouch Paging, AMSC Subsidiary Company ("AMSC"), Cellular Telecommunications Association ("CTIA"), CommNet Cellular, Inc. ("CommNet"), E.F. Johnson, GTE Service Corporation ("GTE"), McCaw Cellular

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demonstrate that (i) Wyoming could not justify the continuation of a restrictive entry policy for paging services;^{2/} (ii) Wyoming failed to file its Petition by the statutory deadline, thus it is precluded from any relief;^{4/} (iii) Wyoming failed to meet its burden to prove that the statutory tests to continue rate regulation of paging services contained in the Omnibus Budget Reconciliation Act of 1993^{5/} were met;^{6/} and (iv) paging services are highly competitive, thus not a suitable candidate for rate regulation.^{7/}

^{2/}(...continued)

Communications Inc. ("McCaw"), Mobile Telecommunications Technologies Corp. ("MTel"), National Cellular Resellers Association ("NCRA"), Nextel Communications Inc. ("Nextel"), Paging Network Inc ("PageNet"), Personal Communications Industry Association ("PCIA"), Union Telephone Company ("Union"), and US West Newvector Group ("US West").

^{3/} See, e.g., Comments of CommNet, McCaw at p. 18, Union at pp. 9-10, and US West at pp. 2-3.

^{4/} See Comments of CommNet, and Union at pp. 2-3.

^{5/} Pub. L. No. 103-66, Title VI, Section 6002(b), 107 Stat. 312, 392 (1993) ("Budget Act").

^{6/} See, e.g., Comments of AirTouch Paging at ¶¶ 14-16, MTel at p. 6-7, PageNet at pp. 3-5, PCIA at pp. 9-10, Union at 3-9, and US West at pp. 6-10.

^{7/} See, e.g., Comments of AirTouch Paging at ¶9, MTel at p. 8, PageNet at pp. 4-5, and PCIA at p. 9. See also CMRS Second Report, 9 FCC Rcd at 1468, citing EMCI "The State of the US Paging Industry" (1990), ECMI, "The State of the US Paging Industry (1993). PCIA eloquently stated the competitive situation in paging as follows:

There are more than 2,400 paging service providers in the United States today. While some of these entities control large paging operations, the vast majority consist of small companies with fewer than 1,000

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2. Based upon Wyoming's demonstrated failure to meet the statutory requirements for continued regulation of CMRS, and in particular paging, AirTouch Paging respectfully requests that the Commission deny the Wyoming Petition.

Respectfully submitted,

AIRTOUCH PAGING

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October 4, 1994

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customers and mid-size companies with no more than a few thousand pagers in service. As a result, no company controls more than 12 percent of the paging marketplace. PCIA Comments at p. 9.

CERTIFICATE OF SERVICE

I, Tana Christine Maples, hereby certify that I have this 4th day of October, 1994, caused copies of the foregoing **Reply Comments of AirTouch Paging** to be delivered by hand, courier charges prepaid, or by first class U.S. mail, postage prepaid, to the following:

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